APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,702	08/18/2003	Vivek Jaiswal	P16507	4365

76973   7590   10/20/2010
The Law Offices of Christopher K. Gagne
c/o CPA Global
B.O. Box 52050
Minneapolis, MN 55402

EXAMINER
PATEL, CHIRAG R

ART UNIT	PAPER NUMBER
2454	

MAIL DATE	DELIVERY MODE
10/20/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	10/642,702	JAISWAL ET AL.
	Examiner	Art Unit
	CHIRAG PATEL	2454

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>06 October 2010</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: <u>1-21</u>.

   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
     See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

/Joseph E. Avellino/
Supervisory Patent Examiner, Art Unit 2454

Continuation of 11. does NOT place the application in condition for allowance because:

Applicants argues: The cited prior art fails to disclose factoring the load into any kind of SIP value, much less, a SIP Q-Value, which is based upon both (1) contact priority and (2) number of calls or an amount of information being processed for a call, and transmitting any kind of SIP value via any kind of load broker, much less, where each such load broker is a back-to-back user agent that is to operate as a proxy and to communicate regarding node locations in a SIP network.

Cisco Systems was relied upon to disclose the functionality of a load balancer which determines a load on a first node, and negotiating routes to the primary and secondary server based on their designated priority. The teachings of Rosenberg discloses using a Q value that is used by the proxy to determine where to forward the requests. This can be combined with the load balancers, as these are known elements in the art, of Cisco Systems, which uses a load balancer to use a Q value to determine where to forward the requests. Lakkakorpi was relied upon to disclose load information which is based upon the load each link in the domain system. This is obvious to combine with the teachings of Cisco Systems, which is directed to negotiating routes to the primary and secondary server based on priority, and Rosenberg , the routing based on Q value. The load information in Lakkakorpi is combined with Cisco and Rosenberg which achieves the result of balancing requests to each link in the domain system. Bakshi which relied to disclose a load coefficient discloses how much data is transmitted to each server. These prior art elements of the load coefficient are combined with the teachings of Cisco Systems, Rosenberg, and Lakkakorpi which teachings can be combined to balance nodes based on a Q value based on the priority of the route and the number of calls or amount of information being processed for a call. With respect to Sylvain, which is directed to user agents which update, register, and notify the location of SIP entities. The teachings of Sylvain was combined with the teachings of Cisco Systems, which is directed to teaching load balancers which is 1+1 redundant to arrive at the claimed invention, was used with the teachings of Rosenberg, Lakkakorpi, Bakshi as disclosed above. The location information is used in the determination of the load balancing functions, based on the Q values above, as the load balancers needs to determine the optimal route to forward the requests based on the Q value based on priority and number of call or amount of information being processed for a call in a domain environment, as mentioned in the discussion above. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods to yield nothing more than predictable results of reducing the proceing load on proxy servers that are responsible for routing requests by relying on redirection, completing the high-availability solution by placing the dresired combination of high availability routing intellegence in the network and reduced congestion.

Applicants argue that examiner has failed to establish a prima facie case of obviousness based upon these documents. Applicants further argues that since these advantageous features of the claimed invention are nowhere disclosed or suggest in any of these documents, it is respectfully submitted that none of these documents, taken singly or in any combination, anticipateds or renders obvious the claimed invention.

Examiner has explained above the combining the prior art claimed elements yield nothing more than the predicatable elements of " reducing the processing load on proxy servers that are responsible for routing requests by relying on redirection, completing the high-availability solution by placing the dresired combination of high availability routing intellegence in the network and reduced congestion."